
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

DEMONTRIOUS WITCHER,

Plaintiff,

*versus*ARRON THOMPkins, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:21-CV-120

**MEMORANDUM ORDER ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, Demontrious Witcher, proceeding *pro se* and *in forma paupers*, filed this lawsuit against several defendants alleging civil rights violations under 42 U.S.C. § 1983. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to the applicable laws and orders of this court. On May 10, 2023, the magistrate judge entered a Report and Recommendation (#48) in which he recommended dismissing Plaintiff's claims against Defendants Aaron Thompkins, Michael K. Sanders, and Derrel G. Bray for lack of subject matter jurisdiction and for failure to state a claim. To date, Plaintiff has not filed objections to the report.¹

The court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

¹ Plaintiff received a copy of the Report and Recommendation no later than June 6, 2023 (#56).

Accordingly, the Report and Recommendation of the United States Magistrate Judge (#48) is **ADOPTED**. A partial judgment will be entered separately.

SIGNED at Beaumont, Texas, this 13th day of July, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE